

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS

DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, SECTION 1200 AND 1201 AND ARTICLE 3, GENERAL DRIVING REQUIREMENTS, SECTION 1217, AND ARTICLE 4, ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, AND YOUTH BUS DRIVERS, SECTION 1221, 1222, AND ARTICLE 6, CARRIER REQUIREMENTS, SECTION 1232, AND ADDS NEW SECTION 1231.2 PAB VEHICLE INSPECTION

MOTOR CARRIER SAFETY PUPIL ACTIVITY BUSES (CHP-R-09-01)

California Vehicle Code (CVC) Section 34501 and 34501.5 requires the Department of the California Highway Patrol (CHP) to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in CVC Sections 545 and 34500. Those regulations are contained in Title 13, California Code of Regulations.

Assembly Bill 830, Chapter 649, 2008, effective January 1, 2009, amended CVC, Section 545 (School bus), adding new subsection (k). This new subsection exempts motor vehicles designed to carry not more than 25 persons including the driver, from the definition of school bus when operated by a charter-party carrier of passengers; transporting school pupils to or from school related activities; and will not require a contractual agreement between the school and carrier to engage in school pupil transportation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CHP proposes to amend Title 13, California Code of Regulations, Division 2, Chapter 6.5, Article 1, Definitions and General Provisions, Section 1200 and 1201 and Article 3, General Driving Requirements, Section 1217; Article 4, Additional Requirements for School Bus, SPAB, and Youth Bus Drivers, Sections 1221 and 1222; Article 6, Carrier Requirements, Section 1232; and add new Section 1231.2 PAB Vehicle Inspection. The CHP proposes to make clear new CVC Section 545(k).

These regulations are necessary to define the vehicle listed in new subsection 545(k), for the purpose of regulation, and to establish certain inspection criteria and the inspection fees authorized by Section 12517.45 CVC. Additionally, the proposed regulations will require application to be made using the Youth Bus, Pupil Activity Bus or General Public Paratransit Vehicle (GPPV) Inspection Application, CHP 294D, January 2010 edition, incorporated by reference.

PUBLIC COMMENTS

Any interested person may submit written comments on these proposed actions via facsimile to (916) 332-3154, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
ATTN: Mr. Lee Bretney
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 4:45 p.m., March 15, 2010.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 332-3154 or by calling the CHP, CVS, at (916) 843-3400. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento. Interested parties are advised to call for an appointment.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted at www.chp.ca.gov.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Lee Bretney, CHP, CVS, at (916) 843-3400. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Lee Bretney or Gary Ritz.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, state agency or federal funding to the state; however, the CHP may incur an approximate cost of \$336,409 annually; associated with conducting the annual motor vehicle inspections of vehicles operated pursuant to CVC, Section 545(k); if every eligible bus based in California participated in the program. There are approximately 3,723 buses in California, as indicated by the California Public Utilities Commission (CPUC), operated by 1,079 for-hire passenger charter-party carriers, with an 11-25 passenger capacity, eligible for the pupil activity bus program; Assembly Bill 830, Chapter 649, 2008, effective January 1, 2009, authorizes the CHP to charge a charter-party carrier a reasonable fee sufficient to cover the costs incurred for conducting the annual inspections; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of

California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the annual vehicle inspection fee authorized by Assembly Bill 830, and the enablement of statute CVC, Section 545(k). A charter-party carrier business choosing to operate a motor vehicle pursuant to CVC, Section 545(k), will be charged a \$90 annual inspection fee for each vehicle. Businesses in California may incur an estimated total cost of \$335,070 annually, if every eligible bus participates in the pupil activity bus program.

EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant impact on small business. The CVC, Section 545(k), does not represent an additional mandate on motor carriers, but simply provides a method by which motor carriers can operate vehicles when transporting school pupils. Limousine and small bus operators will be able to transport school pupils, at or below the 12th-grade level, to or from a public or private school activities.

A charter-party carrier business choosing to operate a motor vehicle pursuant to CVC, Section 545(k), will be charged a \$90 annual inspection fee for each vehicle. There are approximately 3,723 buses in California, as indicated by the CPUC, which operate motor vehicles with an 11-25 passenger capacity, that are eligible for the pupil activity bus program. As already indicated, businesses in California may incur an estimated total cost of \$335,070 annually.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

Note: Authority cited: Sections 34501, 34501.5, and 34508, CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 545, 12517.45, 34501, 34501.5, 34501.8, and 34508, CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
J. M. MULANIX, Assistant Chief
Enforcement Services Division